Levi Rejects Proposal for Outside Study of King Slaying

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Attorney General Edward H. Levi yesterday rejected a recommendation from his civil rights chief that a committee from outside the government study the 1968 assassination of the Rev. Dr. Martin Luther King Jr.

Instead, Levi directed the Justice Department's new Office of Professional Responsibility to take over and complete the review of the King case that haf been started by J. Stanley Pottinger, assistant attorney general in charge of the Civil Rights Division.

Levi's action was seen as an effort to demonstrate that the department itself, still smarting from allegations of aiding the Watergate cover-up, can investigate one of its units thoroughly and impartially.

Following a five-month preliminary investigation, Pottinger on April 9 reported to Levi that he had found no evidence of FBI involvement in the killing of the black civil rights leader.

However, Pottinger recommended that the review be completed by an independent panel recruited from outside the government. He reportedly argued that an independent inquiry was necessary to resolve the questions of credibility still surrounding the April 4, 1968, shooting of King in Memphis.

Suspicious have been raised about the initial FBI probe of the murder because of recent revelations that the bureau wiretapped and harassed King. There also have been questions about whether the motives and activities of the convicted assassin, James Earl Ray, have been fully explained.

But in his announcement yesterday, Levi did not mention Pottinger's recommendation for an independent inquiry. Justice Department officials, including Pottinger, refused to discuss why the recommendation had been turned down.

Privately, though, Justice sources said that Levi had acted from a conviction that the Justice Department, and its subsidiary agencies like the FBI, must demonstrate that they are capable of policing themselves effectively.

The sources said Levi was particularly concerned that initiating an independent probe of the King case might undermine the authority of the Office of Professional Responsibility. It was created by him to function within the Justice Department as an inspector general's office, pursuing allegations of wrongdoing by department officials.

Levi's decision was consistent with the position he took recently when the Justice Department rejected as inadequate an internal FBI investigation of alleged financial irregularities within the bureau. Although some Justice officials argued for an outside inquiry, Levi instead bucked the matter back to the FBI with orders that it carry out a new probe that would be above suspicion.

However, his decision to keep the King probe under Justice Department control raised the possibility of criticism from civil rights leaders. And in Atlanta, the Rev. Ralph Abernathy, who succeeded King as head of the Southern Christian Leadership Conference, issued a statement yesterday demanding "a special committee of distinguished American citizens who owe no allegiance to anyone except to their country and to justice and to truth."

Levi's announcement said Pottinger had reached the "tentative conclusions" that the FBI had engaged in a campaign to discredit King. However, he found no evidence indicating FBI complicity in King's murder or lack of thoroughness and honesty in the subsequent FBI investigation.

The Attorney General's instructions to the Office of Professional Responsibility ordered it to pursue these questions and also determine "whether the nature of the relationship between the bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings or other appropriate action."

Pottinger told reporters that his investigation had involved a review of approximately 3,500 documents held by Justice and the FBI. However, he added that an estimated 300,000 documents relating to the King case are scattered in various FBI offices and must still be examined.

In addition, Pottinger said, the continuing review is likely to involve the scrutiny of outside documents and statements and even the hearing of testimony from witnesses. He estimated that the review will take several months.